



# MONTHLY HIGHLIGHTS

NOAA  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
HABITAT CONSERVATION DIVISION

MARCH 2000

**GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930**

## **ESSENTIAL FISH HABITAT WEB SITE**

The NMFS Northeast Regional Habitat Conservation Division web site has recently been expanded and improved to disseminate the ever-growing volumes of Essential Fish Habitat (EFH) information. There is now an EFH page that provides important information on EFH including: “Guide to EFH Designations” which provides EFH species lists summarized by 10 minutes longitude by 10 minutes latitude squares as well as summaries for many estuaries; “Guide to EFH Species Descriptions” provides the official EFH descriptions and preferred habitat parameters for each species and life stage that has EFH designated in the Northeast; “Guide to EFH Consultations” walks the federal action agencies or their non-federal designees through the EFH consultation process by providing the requirements for developing an EFH Assessment, examples of completed assessments, and other documentation, as well as many informative links related to the EFH consultation process.

The Northeast Regional Habitat Conservation Division web site address has not changed and can be found at: **<http://www.nero.nmfs.gov/ro/doc/hcd.htm>**

In addition, the Northeast Fisheries Science Center has recently included a series of 30 EFH species reports (NOAA Technical Memorandum NMFS-NE #122-152) on their web site at: **<http://www.nefsc.nmfs.gov/nefsc/habitat/efh>**. These reports present information on current and historic stock sizes, geographic range, and the period and location of major life history stages. The habitats of EFH species are described by the physical, chemical, and biological components of the ecosystem where the species occur.

These web sites are indispensable for those people responsible for fulfilling the EFH consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act.  
**(Lou Chiarella, 978/281-9277; [Lou.Chiarella@noaa.gov](mailto:Lou.Chiarella@noaa.gov))**

**JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732**

## **HACKENSACK MEADOWLANDS SPECIAL AREA MANAGEMENT PLAN (SAMP)**

The SAMP Environmental Impact Statement (EIS) Subcommittee continues to meet on a weekly basis to complete the final EIS for the SAMP. The schedule has been pushed back once again due to revisions to the air and traffic analysis caused by some land use changes. As a result, the final EIS is likely to be out for public comment sometime this summer. Meanwhile, agency representatives continue the review of the draft Section 404 (b) (1) Guidelines analyses for the SAMP and for the ACOE's General Permits and began reviewing several draft chapters for the final EIS. Discussions are ongoing concerning essential fish habitat and issues concerning the Sports and Exposition Authority. **(Karen Greene, 732/872-3023 or Stan Gorski, 732/872-3037)**

## **MEADOWLANDS INTERAGENCY MITIGATION ADVISORY COMMITTEE (MIMAC)**

The MIMAC monthly meeting focused on the proposed mitigation for the Empire Ltd./Meadowlands Mill project in Carlstadt, NJ. The project involves 206 acres of fill for a mixed use development including a mega-mall. However, the fill may be reduced to between 90 to 140 acres to be consistent with the SAMP. For the time being, the MIMAC is focusing on the mitigation for the 206 acre project since this is the application before the Army Corps of Engineers (ACOE). The ACOE's contractor preparing the EIS for the project was present at the meeting to discuss some of the outstanding issues concerning mitigation. Most of the group has already determined that the freshwater wetlands component of the proposed mitigation is a stormwater management facility, and it is not mitigation for fill. As a result, the brackish component is not sufficient to compensate for the fill. The ACOE is not comfortable with this position at this point, and discussion will be continuing. In the past, the MIMAC agreed that the mitigation should be all brackish, and that the freshwater component had limited value and was at risk of invasion by purple loosestrife. In addition, the New Jersey Department of Environmental Protection does not even have a complete application to review so the issue of how much stormwater detention capacity is needed cannot yet be resolved. Because there is still a great deal of uncertainty about the scope of the project, no decisions were made and discussion will continue as more information becomes available. **(Karen Greene, 732/872-3023)**

## **FIFTH MARINE AND ESTUARINE SHALLOW WATER SCIENCE AND MANAGEMENT CONFERENCE**

HCD staff attended the Fifth Marine and Estuarine Shallow Water Science and Management Conference held in Atlantic City in mid-March. Several interesting presentations were given including *Phragmites* and the studies underway to assess its value as a source of carbon and nitrogen in fish, beach nourishment borrow pit recovery in South Carolina, the restoration of striped bass and American shad spawning through dam removal, and the movement of juvenile white shrimp in tidal marshes in Georgia. Several representatives from the Baltimore District ACOE gave presentations which asked what damage dredging in SAV has. Despite several presentations which demonstrated the value of SAV for fisheries and discussions about the need for more information about the biology of the many SAV species found in the Mid-Atlantic, it appears that the Baltimore District may be searching for a justification to authorize a large

number of dredging projects in SAV beds in Chesapeake Bay and its tributaries. Another presentation focused on sampling results from the Lynnhaven River and the differences in the fisheries value of the river's two branches, one that was recently dredged and one that was dredged at least a decade ago. Many members of the audience were surprised that the Army Corps issued a permit for dredging in an area with such a high value for fisheries. Also, the Philadelphia District ACOE presentation on EFH from a regulator's perspective was very complimentary to NMFS and demonstrated that NMFS and the ACOE can work together to meet the mandates of the Magnuson-Stevens Act. Overall, the conference included some very interesting and informative presentations which should be useful in future project reviews. **(Karen Greene, 732/872-3023; Anita Riportella, 732/872-3116)**

### **HUGO NEU SCHNITZER EAST - CLAREMONT CHANNEL DREDGING**

Hugo Neu Schnitzer East has applied for a Department of the Army Permit to deepen the Claremont Channel in Jersey City. Approximately 1,250,000 cubic yards of material will be removed from the channel to achieve depths of 36 feet below mean low water. HCD staff reviewed the Public Notice in 1999. We included a time-of-year restriction for overwintering striped bass and winter flounder, and a request for an EFH assessment. The ACOE completed the EFH assessment and proposed a time-of-year restriction of dredging from November 15 to June 30 to protect overwintering winter flounder, spawning and early life stages of winter flounder and windowpane. We agreed with their proposed conservation measures. Now, the applicant and the State of New Jersey Maritime Resources Administration oppose this restriction. The applicant is seeking to dredge from April to December, despite a state permit which prohibits dredging from January 1 to May 31 for winter flounder spawning and early life stages. Because federal dredging restriction is longer than the state's, the applicant is seeking a reduction in the ACOE's dredging restriction. In a telephone conference, we informed the applicant that life history information requires a restriction from November 15 to May 31 to protect overwintering striped bass and winter flounder as well as spawning and early life stages of winter flounder. We discussed possible site-specific information that could be provided which may modify the recommended dredging restriction, but overall, little progress was made. This project is expected to remain a significant issue as there may be some political pressure to move forward with the dredging. **(Karen Greene, 732/872-3023)**

### **SUNOCO INCORPORATED, MARCUS HOOK, DELAWARE COUNTY, PA**

An emergency permit has been issued for Sunoco Incorporated to level Delaware River sediments in front of ship berths by pulling or pushing a beam across the bottom to move the sediments from areas of sediment buildup to deeper areas between the berths and the shipping channel. A 100-foot buffer will be maintained between any leveling activity and the edge of the federal navigation channel. We agreed to leveling at this site with the understanding that it was an emergency situation, that the work would be performed before March 15, 2000, and that, as a condition of the permit, monitoring would be done. The purpose of the monitoring is to better understand the habitat impacts caused by leveling. The permit conditions include our recommendations: that the monitoring would include sampling of dissolved oxygen and turbidity in the river prior to, during, and after the leveling operations; and that samples would be collected at a foot below the surface, near the middle of the water column, and one foot above the river bottom at various locations within the affected area. Samples would also be taken from

outside the area of impact for comparative purposes. The outer limits of the sediment plume created by the leveling operation would be determined and documented through ebb, flow, and slack tides. Also, monitoring would include a bathymetric survey within the project area and between the project area and the federal navigation channel upstream and downstream of the project area. This bathymetric survey would be done within three days of completing the work and again 30-40 days after completing the work. Copies of the monitoring report are to be provided to us within 15 days of their completion. We plan to use this information to assess habitat impacts and make recommendations for use of "leveling" to extend the time in-between maintenance dredging. **(Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov))**

#### **TRANS-ATLANTIC CABLES AND CLAMMING NJDEP WORKING GROUP**

Habitat staff met with the cable working group on March 28, 2000 in Trenton, NJ. The group is sponsored by the NJDEP and is open to telecommunications companies, the shellfish industry, the fishing industry, and government agencies which were all well represented at the first meeting. The group was formed to discuss issues related to the placement of submarine cables within and beyond New Jersey territorial waters. Topics for discussion include jurisdiction, permit procedure, land based alternatives, depth of cable burial, buffers, liability, future demand, restricted cable corridors, mitigation, and old cable removal and disposal. In addition to making recommendations regarding impacts to habitat and fishery resources, NMFS is being asked by the fishing industry to comment on the multiple use issue. A possible solution to use conflicts may be resolved with a technology that would allow for the practical laying of cable at depths that would preclude interference with fishing and which could be easily monitored. We are presently searching for such a technology. Another meeting is to be held within two months. **(Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov))**

#### **ATT/SPRINT TRANSATLANTIC CABLE 14**

Despite specific, written recommendations from NMFS' Habitat Conservation Division requesting that a plan be submitted and reviewed prior to the removal, use, or disposal of old cable retrieved from the ocean floor, ATT/Sprint removed cable and dumped it at an artificial reef site without a plan, a review, or a Corps permit. The use of this type of material on artificial reefs, which is called "materials of opportunity," is not permitted under the ACOE permit unless it can be demonstrated that it has the long-term habitat enhancement characteristics that are typically associated with an artificial reef. The characteristics include a high relief, complex, hard surfaced structure which is specifically placed on the bottom by fisheries managers for a specific purpose of supporting a specific fishery or community, and that is significantly different from the sand bottom. Anything less than this is just dumping. **(Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov))**

#### **REEFS AND ESSENTIAL FISH HABITAT (EFH)**

Although there are many numbers and types of reefs that exist in northeast waters as natural formations, and created reefs and ship wrecks which provide structure for the development of fisheries resource communities and which are well known to fishermen, the reefs and the fisheries resources that use them have not been mentioned in EFH documents. Frank Steimle of the NEFSC would make inclusion of this information possible when he and Christine Zetlin, also of the NEFSC, publish a paper that they are preparing entitled "Reef Habitats in the Middle

Atlantic Bight: Abundance, Distribution, Associated Biological Communities, and Fishery Resource Use." (**Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov)**)

### **NJDOT, ROUTE 29 TRENTON**

The Philadelphia Army Corps of Engineers Enforcement Section has found NJDOT and its contractor PKF/NCI noncompliant with several conditions of their federal permit. Illegal activities included dredging material from the Delaware River by equipment placed in the Delaware River, placement of dredged material in unauthorized areas, and a non-approved modification of a silt box which allowed sediment to flow into the river. These activities occurred during a time when most activities are prohibited in the Delaware River in order to minimize impacts to anadromous fishes during their spring migration. In lieu of an Administrative Penalty, \$225,000 will be donated to the Nature Conservancy to be used for activities within Mercer, Burlington, Camden, or Gloucester Counties in New Jersey; and permit conditions will be met in order to resolve the issue. (**Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov)**)

### **SOUTH JERSEY TRANSPORTATION AUTHORITY (SJTA)**

The Philadelphia Army Corps of Engineers Enforcement Section found the SJTA noncompliant with their nationwide permits for the Atlantic City Connector project, a 2.33 mile road which links the eastern terminus of the Atlantic City Expressway and Brigantine Boulevard at the Brigantine Bridge in Atlantic City, New Jersey. Violations include unauthorized dredged and fill material being placed into wetlands, lack of mitigation being initiated concurrent with regulated activities, and sediment controls not in place. Restoration, a permit modification to change the timing of the mitigation work, and a \$225,000 donation to the Nature Conservancy in lieu of an Administrative Penalty will resolve the issue. (**Anita Riportella, 732/872-3116; [anita.riportella@noaa.gov](mailto:anita.riportella@noaa.gov)**)

### **MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460**

### **HUDSON RIVER PARK**

A 60-day letter of intent to sue was sent to the U.S. Army Corps of Engineers and the National Marine Fisheries Service by a consortium of organizations and individuals opposed to the Department of the Army authorization of the subject project. The primary issue presented in the letter was failure on the part of the Corps and NMFS to complete Endangered Species Act coordination and also the parties' concerns related to Atlantic sturgeon, a candidate for listing. Habitat Conservation Division staff expect that the necessary Section 7 procedures will be followed prior to the Corps making a final permit decision. We remain in coordination with the New York District under our local operating procedures and the 404(q) Memorandum of Understanding. Since the Historic Preservation issues appear to be resolved, it appears likely that negotiations surrounding the ecological issues will be concluded in the near future. (**Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov)**)

**MILLENNIUM PIPELINE:** Staff prepared comments this month in response to an Environmental Information Request (EIR) by the Federal Energy Regulatory Commission (FERC) with respect to questions surrounding the applicant's proposal to route the natural gas

pipeline across Haverstraw Bay. This portion of the Hudson River has been designated a significant coastal fish and wildlife habitat under New York's Coastal Management Program. In our reply to the FERC's EIR, we indicated that maintenance dredging of all but the smallest projects in Haverstraw Bay should be conducted only between September 1 and November 15 of any calendar year. However, it is important to note that new work dredging does not meet the habitat impairment criteria established by the New York State Coastal Management Program for this site. Our response also reiterated NMFS' position that (1) the selected alignment and installation technique would produce unacceptable and avoidable impacts to aquatic resources, including endangered and other special concern species, and (2) the applicants should pursue an out-of-bay, less damaging alignment if a crossing of the Hudson River is necessary or appropriate. An April 6 meeting is tentatively planned among the applicant, New York's Coastal Management Program, and NMFS Habitat Conservation staff to discuss issues related to the Hudson River crossing. **(Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov))**

**BROOKLYN MARINE TERMINAL:** Habitat Conservation staff resumed coordination with the New York District Army Corps of Engineers on an application by the Port Authority of New York and New Jersey to complete maintenance dredging at the Brooklyn Marine Terminal. This project received authorization from the Corps to dredge in late November, 1999. This authorization included a special condition that the dredging cease after December 15, 1999 to protect over-wintering species, including juvenile striped bass and non-reproductive winter flounder. The allotted time did not permit the project to be completed. The New York District has asked NMFS to review the situation with respect to appropriate working windows for calendar year 2000. **(Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov) )**

**GREACEN POINT GROUP:** Habitat Conservation Division staff recently concluded informal Section 7 and Essential Fish Habitat (EFH) coordination for the subject application, a proposal by a neighborhood consortium to dredge in Pirate's Cove, Westchester County, New York. This project entails removal of approximately 20,540 cubic yards of sediment from a 165,480 square foot area using a clamshell without barge overflow. Approximately 1,225 cubic yards of material (taken from a 7,000 square foot area) represent new work and the balance will be maintenance dredging. Subsequent to its removal, the dredged material would be disposed of at the Western Long Island Sound Disposal Site. The New York District Army Corps of Engineers has certified that no dredging or disposal would be permitted between February 1 and September 30 of any calendar year to address EFH concerns. The permit also will include precautions to protect endangered or threatened species that may occur in the dredging and disposal areas. NMFS has concurred with the Corps of Engineers that the proposed precautions meet our mutual environmental protection responsibilities. **(Diane Rusanowsky, 203/579-7004; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov))**

#### **NEW YORK/NEW JERSEY PORT CHANNEL DEEPENING**

The proposed deepening of the Port of New York and New Jersey is proceeding on schedule. The states and feds are working to address the environmental impacts associated with deepening the major channels to 50 feet. The blasting, ripping, and dredging will require from 9 to 14 years and involve the relocation of approximately 51 million cubic yards of material. EFH, ESA, and rescues protected under the F&WCA are all being discussed along with methods to avoid,

minimize, or compensate for losses. Seasonal constraints on dredging, reinstallation of critical habitat at locations well removed from the dredging, and consideration of the sediment types being moved are all devices that are being considered for use during the construction period. The group is also considering relocation of the dredges to areas where resource use has been shown to be limited by physical or biological conditions. **(Karen Greene, 732/872-7023 or Mike Ludwig, 203/579-7004)**

## **HABITAT RESTORATION**

Habitat restoration has been a major topic in a number of different forums. The U.S. Army Corps of Engineers is seeking to undertake a broad brush review, design, implementation, and evaluation program of restorations throughout the waters of New York, Connecticut, and parts of New Jersey. The NOAA/NMFS community based restoration grant cycle is also opening up opportunities on a number of different fronts. We are looking at expanding the oyster reef habitat experiments with two projects on Long Island - one on the south shore and the other along the north shore. We are encouraging this type of habitat as it has been virtually extirpated from the region's waters. Oyster reefs were leveled by oystermen with the advent of sail and fuel driven harvesting practices. Juvenile lobster habitat enhancement or expansion is being evaluated for assisting in the recovery of the lobster populations in western Long Island Sound. We are de-emphasizing saltmarsh restoration in this program as the effort is getting ample support from other funding sources, such as the community based restoration efforts. **(Mike Ludwig, 203/579-7004)**